

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 5-12, 15 and 17-20 are pending in this application. Claims 1-3, 5-12, 15 and 17-20 are amended; and Claims 4, 13-14 and 16 are canceled without prejudice or disclaimer by the present amendment. Support for the new and amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Office Action, Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph; Claim 20 was rejected under 35 U.S.C. §101; Claims 1 and 3-20 were rejected under 35 U.S.C. §102(b) as anticipated by Miyazaki et al. (U.S. Pub. 2003/0212828, herein Miyazaki); and Claim 2 was rejected under 35 U.S.C. §103(a) as unpatentable over Miyazaki in view of Togashi et al. (JP 2001-297062, herein Togashi).

Claims 1-20 were rejected under 35 U.S.C. §112, second paragraph, as “appearing to be a literal translation into English from a foreign document and are replete with errors.” In response, Claims 1-12, 15 and 17-20 are amended to more clearly define the claimed subject matter, and are believed to be definite.

Accordingly, Applicants respectfully request that the rejection of Claims 1-12, 15 and 17-20 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claim 20 was rejected under 35 U.S.C. §101, as directed to non-statutory subject matter. In response, Claim 20 is amended to recite “[a] computer readable recording medium encoded with computer program instructions, which when executed by a computer, cause the computer to execute a method of time certification...,” as suggested in the Office Action.

Accordingly, Applicants respectfully request that the rejection of Claim 20 under 35 U.S.C. §101 be withdrawn.

¹ E.g., specification, at least at Figs. 13 and 16 and corresponding descriptions.

Claims 1 and 3-20 were rejected under 35 U.S.C. §102(b) as anticipated by Miyazaki.

In response to this rejection, Applicants respectfully submit that amended independent Claims 1, 15 and 20 recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 1, for example, is amended to incorporate the features of Claim 4 and recites, in part, a time certification server, comprising:

- a receiving section configured to receive... terminal information including ***position information of the terminal apparatus obtained by measuring a position of the terminal apparatus...***
- a first code generating section configured to generate a first code...
- a second code generating section configured to generate a second code based on the ***received terminal information*** and the first code...[and]
- a transmitting section configured to transmit to the terminal apparatus the second code as a time certification code...

Independent Claims 15 and 20, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 15 and 20.

As described in an exemplary embodiment at Fig. 13 of the specification, the time certification server uses a measured position of the terminal apparatus to generate a time certification code that is output to the terminal apparatus.

Turning to the applied reference, Miyazaki describes a time stamp generating system that includes a time distribution server for generating time data depending on time and a user PC for holding time certification objective digital data. The time distribution server 102 generates time data corresponding to a time point and distributes the time data, and the user PC 103 calculates time stamp generating data by using the time certification objective data as

an input, acquires the time data generated by the time distribution server, and processes the time data on the basis of the time stamp generating data to obtain a time stamp.²

Miyazaki, however, fails to teach or suggest using received *position information of the terminal apparatus obtained by measuring a position of the terminal apparatus*, as an input to generate a time certification code, as recited in independent Claim 1.

In rejecting this claimed feature, as previously recited in Claim 4, the Office Action relies on paragraphs [0175-0176] of Miyazaki. This cited portion of Miyazaki describes that a plurality of time distribution servers 102 may be provided at geographically different positions and can be utilized from only a user PC 103 within a constant geographical distance, thus, the digital data can also be certified for its geographically existing position at that time point. This ensures that only a user PC 103 in the range to which an electric wave from the base station can reach can utilize time data from the base station. Further, the time distribution server 102 may add to the time data a unique identifier for identifying the time distribution server 102 or geographical position information or position information on the network, making it possible to identify which time distribution server the time data came from.

Thus, Miyazaki describes that the time data may add a unique identifier identifying the position of the time distribution server 102, not *position information of the terminal apparatus obtained by measuring a position of the terminal apparatus*. While Miyazaki does describe that time distribution servers 102 can be utilized from only a user PC 103 within a constant geographical distance, the position information added to the time data is unique only to the distribution servers 102, and is not unique to the terminal apparatus, as claimed. As described in the present specification, creating time data unique to each of the

² Miyazaki, Abstract.

terminal apparatuses provides added security and confidence in the authenticity of the generated time stamp.

Further, independent Claims 1, 15 and 20 recite that claimed time certification server “transmits to the terminal apparatus the second code *as a time certification code.*” Miyazaki, in contrast, describes throughout his specification that the data supplied by the time distribution servers 102 is merely time data that is retrieved by a user PC 103, which generates its own time stamp. Thus, the time stamp in Miyazaki is not generated at the distribution servers 102, but is instead generated at the user PCs 103.

Therefore, Miyazaki fails to teach or suggest a time certification server that “receives... terminal information including *position information of the terminal apparatus obtained by measuring a position of the terminal apparatus...* generates a second code based on the *received terminal information* and the first code...[and] transmits to the terminal apparatus the second code *as a time certification code...*,” as recited in independent Claims 1, 15 and 20.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of independent Claims 1, 15 and 20 (and the claims that depend therefrom) under 35 U.S.C. §102 be withdrawn.

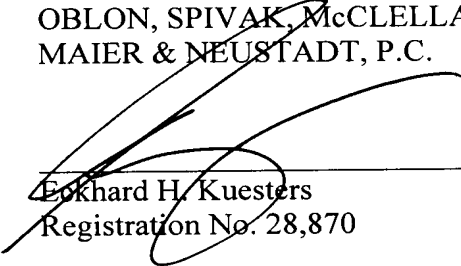
With regard to the rejection of Claim 2 under 35 U.S.C. §103(a) as unpatentable over Miyazaki in view of Togashi, Applicants note that Claim 2 depends from Claim 1 and is believed to be patentable for at least the reasons discussed above. Further, Togashi fails to remedy the above noted deficiency of Miyazaki.

Accordingly, Applicants respectfully request that the rejection of Claim 2 under 35 U.S.C. §103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 5-12, 15 and 17-20 patentably define over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870

Andrew T. Harry
Registration No. 56,959

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)